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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**
17 **SAN FRANCISCO DIVISION**

18 IN RE: JUUL LABS, INC. ANTITRUST
19 LITIGATION

20 This Document Relates To:

21 ALL DIRECT PURCHASER ACTIONS

22 Case No. 3:20-cv-02345-WHO

23 **ADMINISTRATIVE MOTION TO FILE**
DIRECT PURCHASER PLAINTIFFS'
MOTION FOR CLASS CERTIFICATION
PROVISIONALLY UNDER SEAL

24 Judge: Hon. William H. Orrick

25 DEMAND FOR JURY TRIAL

Pursuant to Civil Local Rule 7-11, Civil Local Rule 79-5, the Amended Protective Order entered by the Court on August 6, 2021 (“Protective Order”) (ECF No. 269), the Court’s June 18, 2025 Order at ECF No. 488, and the Court’s Standing Order on Administrative Motions to File Under Seal, Direct Purchaser Plaintiffs (“Plaintiffs”) respectfully request the Court to enter this Administrative Motion to File Plaintiffs’ Motion for Class Certification and the Supporting Declaration of Joseph Saveri and Exhibits Provisionally Under Seal (the “Motion”).

The Protective Order in this case prohibits a party from filing in the public record any disclosure or discovery material that is designated as confidential or highly confidential without written permission from the designating party or an order from the Court secured after appropriate notice to all interested persons. *See* ECF No. 269, ¶¶ 14, 25, 58. Protected materials may include items that are produced or generated in disclosures or discovery, testimony given in deposition, and transcripts of depositions. *Id.*, ¶¶ 14, 25. Defendants have designated materials contained and referred to in Plaintiffs’ Motion for Class Certification as Confidential and Highly Confidential under the Protective Order.

Pursuant to the Court’s June 18, 2025 Order, Plaintiffs’ Motion for Class Certification and related material may be provisionally filed under seal. ECF No. 488. On July 18, 2025, the parties are to provide the Court with a consolidated chart identifying what information should remain under seal for the Court’s consideration. *Id.*

Pursuant to Local Rules 79-5(e)(1) and (2), Defendants, as the Designating Parties, bear responsibility to establish that all designated material is sealable. None of the information at issue in the motion was designated as confidential by Plaintiffs, other than Plaintiffs’ expert reports, which were designated Highly Confidential due to the volume of designated documents cited, referenced, and attached therein. Plaintiffs take no position at this time on whether the designated portions satisfy the requirements for sealing and specifically reserve the right to challenge any Confidential or Highly Confidential designation under the Protective Order, as well as the sealability of these documents under Civil Local Rule 79-5.

1 Plaintiffs have reviewed and complied with Judge Orrick's Standing Order on Administrative
 2 Motions to File Under Seal and Civil Local Rule 79-5. As required by Civil Local Rule 79-5(d)(1), the
 3 following attachments accompany this motion:

- 4 1. The Declaration of Joseph Saveri in Support of Plaintiffs' Administrative Motion to File Class
 5 Certification Provisionally Under Seal;
- 6 2. Unredacted version of Plaintiffs' Motion for Class Certification; and
- 7 3. Unredacted version of Declaration of Joseph Saveri in support of Plaintiffs' Motion for Class
 8 Certification, and exhibits attached thereto.

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 10 Dated: June 20, 2025

By: /s/ Joseph R. Saveri
 11 Joseph R. Saveri

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